


Discovery in this case closed on September 22, 2017. See [D.E. 54]. Charles Eyler was deposed in the Hsu case on September 21, 2017. Alan Auerbach was deposed in the Hsu case on

January 28 and 29, 2018. Puma provided Eshelman “37 pages of substantive excerpts from Hsu deposition materials and the complete word indices.” [D.E. 285] 7. “The excerpts contain every mention of Dr. Eshelman that occurred during the deposition, and where appropriate, the following page or pages to ensure the production of testimony related to Dr. Eshelman.” Id. Puma also invited Eshelman’s counsel to use “the indices to indicate additional pages they wished to inspect.” Id. Eshelman’s counsel declines Puma’s invitation and filed the motion to compel.

In this case, Eshelman deposed Auerbach twice, deposed Eyler once, and otherwise engaged in extensive discovery. Puma’s duty to supplement is not unlimited and infinite, and Puma has met its obligation in this case. See Thompson v. Ret. Plan for Emps. of S.C. Johnson & Sons, Inc., No. 07-CV-1047, 2010 WL 2735694, at *1 (E.D. Wis. July 12, 2010) (unpublished); Dong Ah Tire & Rubber Co. v. Glasforms, Inc., No. C06-3359JFRS, 2008 WL 4786671, at *2 (N.D. Cal. Oct. 29, 2008) (unpublished); Fed. R. Civ. P. 26(e)(1). To adopt Eshelman’s view of Rule 26(e)(1) would create a substantial burden on litigants that outweighs the benefits given the alternative means of discovering relevant evidence. See Fed. R. Civ. P. 26(b)(1). Moreover, good cause does not exist to modify the scheduling order. See Fed. R. Civ. P. 16(b)(4). Accordingly, the court denies Eshelman’s motion to compel.

In sum, the court DENIES Eshelman’s motion to compel [D.E. 276].

SO ORDERED. This 2 day of October 2018.



JAMES C. DEVER III
Chief United States District Judge